REMARKS

Claims 1-4 and 6-32 are pending in this application. Claims 18 and 26-28 are amended.

Applicant would like to thank the Examiner for the courtesy extended during the telephonic interview on February 19, 2008. During the interview, the Examiner and applicant's representative discussed the claim rejections under 35 U.S.C. § 101. Applicant would like to thank the Examiner for his helpful suggestions as to how the section 101 rejections might be overcome.

The Examiner has rejected claims 18 and 26-28 under 35 U.S.C. § 101; rejected claims 1-4, 6-8, 10-14, 16-22, 24-27, 29, and 32 under 35 U.S.C. § 103(a) over Bunney and Runyan; rejected claims 9, 15, 23, and 28 under 35 U.S.C. § 103(a) over Bunney, Runyan, Aravamudan, and Munday; rejected claim 30 under 35 U.S.C. § 103(a) over Bunney, Runyan, and Munday; and rejected claim 31 under 35 U.S.C. § 103(a) over Bunney, Runyan, and Aravamudan.

Rejections Under 35 U.S.C. § 101

The Examiner has rejected claims 18 and 26-28 under 35 U.S.C. § 101. Without conceding the propriety of this rejection, applicant has elected to amend the claims to address the Examiner's concerns. In particular, claims 18 and 26-27 have been amended to recite "a computer-readable storage medium." In addition, claims 27-28 have been amended to recite "a computer program product stored on a computer-readable storage medium." As such, the claims are directed to tangible computer storage media and are not intended to encompass non-statutory subject matter. Accordingly, applicant respectfully requests that the section 101 rejections be withdrawn.

Rejections Under 35 U.S.C. § 103(a)

A.   The Examiner's Rejections

1.   The Examiner rejected claims 1-4, 6-8, 10-14, 16-22, 24-27, 29, and 32 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,487,584 to Bunney and "All quiet on the NetWare front" by Runyan.

2.   The Examiner rejected claims 9, 15, 23, and 28 under 35 U.S.C. § 103(a) as being unpatentable over Bunney, Runyan, U.S. Patent No. 6,301,609 to Aravamudan, and U.S. Patent No. 6,480,593 to Munday.

3.   The Examiner rejected claim 30 under 35 U.S.C. § 103(a) as being unpatentable over Bunney, Runyan, and Munday.

4.   The Examiner rejected claim 31 under 35 U.S.C. § 103(a) as being unpatentable over Bunney, Runyan, and Aravamudan.

B.   Issues

1.   Whether Bunney suggests determining a master status in accordance with a status update and each client view status. The decision on this issue impacts all of the claims.

2.   Whether one would be motivated to combine Runyan's suggestion that a user may be logged on to several clients with Bunney's solution to a problem that occurs when a user is logged on to only one address. The decision on this issue impacts all of the claims.

3.   Whether Bunney suggests reflecting the master status of the user to other electronic messaging users. The decision on this issue impacts claims 1-4, 6-9, 16, and 19-28.

4.   Whether the combination of Bunney, Runyan, and Aravamudan suggests changing the master status according to a detailed priority system. The decision on this issue impacts claims 9, 15, 23, and 28.

5.   Whether Munday suggests when one client indicates that the user is busy and another client indicates that the user is idle, setting the master status to indicate that the user is busy. The decision on this issue impacts claim 30.

6.   Whether Aravamudan suggests when all but one client indicates that the client is offline, setting the master status to the status of the client that is currently online. The decision on this issue impacts claim 31.

C.   Overview of the Invention and Prior Art

1.   The Invention

Applicant's invention is directed to a technology that facilitates maintaining accurate presence information for a user who is logged on with two or more clients, such as in an instant messaging environment. (*See, e.g.,* Specification, 8:8-12.) Instant messaging is a form of electronic communication that allows real time electronic communications among users. The ability to communicate in real time is one of the primary differences between instant messaging and other forms of electronic communication, such as email. (*See, e.g., id.,* 2:12-20.) Notifying other instant messaging users of a particular user's status (e.g., available, away, busy) is an essential component of instant messaging. For example, if a first user is notified that a second user is away from his computer, the first user may decide not to compose and send an instant message to the second user because the second user will not receive the message in real time. (*See, e.g., id.,* 3:5-18.) A user's status may be referred to as "presence information," and may be provided to other users as indicative of the user's availability. (*See, e.g., id.,* 2:24-3:4.)

Providing other users with accurate presence information for a particular user may become difficult when the user is associated with or logged on to more than one client.

(*See, e.g., id.*, 4:3-9.) For example, a user may log on to the instant messaging environment with an identity (e.g., user@xxx.com) using a desktop computer and again with the same identity using a personal digital assistant. Each client may indicate a different status for the user. For example, the user may be idle on the desktop computer but busy on the personal digital assistant. Providing accurate presence information was not a problem with prior techniques because the prior techniques required that a user be logged on to only one device at a time. Applicant's technology allows a user to be logged on to two or more devices at the same time.

Applicant's technology evaluates the user's status on each of the two or more clients, including any status update (e.g., a change in status from away to busy), to determine an accurate master, or overall, status for the user. (*See, e.g., id.*, 5:24-6:5.) For example, the user who is idle on a desktop computer but busy on a personal digital assistant may have an overall status of busy, because even though the user is idle at one client, the user is busy at another. To determine the master status, applicant's technology first creates and maintains a client view status for each client. Each client view status correlates to the status of the client, e.g., online, offline, away, invisible, busy, etc. (*See, e.g., id.*, 5:17-22.) Applicant's technology determines the master status of the user by evaluating each of the client view statuses and any status update. (*See, e.g., id.*, 5:24-6:2.) In some embodiments, applicant's technology determines the master status according to specified priority rules. For example, if the status of one client changes to offline, applicant's technology will not update the master status to offline unless the user is offline on all other clients. This allows a user who is, for example, busy on one client but offline on another to still be accurately reflected as busy. (*See, e.g., id.*, 19:10-20:13.) Once the master status has been determined, applicant's technology may provide the master status to the user and to other users for use in determining how best to communicate with the user. (*See, e.g., id.*, 6:3-5.)

2.   The Bunney Reference

Bunney discloses a solution to a problem that may occur when a user is logged in with one of several addresses, and the other addresses assigned to the user are not in a logged in state. In such a situation, the user may not receive messages addressed to any of the user's non-logged in addresses. (Bunney, 1:24-30.) For example, a user may have the identities of "George@compu.xxx.com" and "Superman@sport.xxx.com." Bunney describes that under the prior art, if a user was logged in with the address "George@compu.xxx.com" and a message was sent to "Superman@sport.xxx.com," the user would not be notified of the message until the next time the user logged in with the address "Superman@sport.xxx.com."

Bunney's solution is to notify a user who is logged in with the first of several addresses of a message received at a second, non-logged in address. (*Id.*, 1:45-48.) Under the above example, if a user was logged in with the address "George@compu.xxx.com" and a message was sent to "Superman@sport.xxx.com," the user may be notified of the message through the user's "George@compu.xxx.com" identity. The user could then log out of the "George@compu.xxx.com" identity and log in using the identity of "Superman@sport.xxx.com" to review the message. To provide this notification, Bunney describes a server that maintains a table associating a user with each of several addresses assigned to the user. (*Id.*, 1:56-59.) When a message is sent to one of the user's non-logged in addresses, the server consults the table of assignments to identify the assigned addresses and then checks whether the user is currently logged in to one of those addresses. If so, the server may send a notification to the user's logged in address that the user has received a message at one of the user's non-logged in addresses. (*Id.*, 1:60-67.)

Under Bunney, when a user is logged in, the user may have one of four statuses: available, invisible, away, and busy. (*Id.*, 7:5-30.) A status of invisible prevents a user from being visible to other users' searches and from receiving other users' notifications.

According to Bunney, if a user is invisible, other users will not know anything about the user, including that the user is online.

In addition to, but distinctive from, the statuses described above, Bunney allows a user who is logged in through one address to associate a do not disturb sign with one or more of the user's other addresses. For example, a user logged in with the address "George@compu.xxx.com" can place a do not disturb sign that indicates he does not want to receive any message or notification addressed to his other address "Superman@sport.xxx.com." (*Id.*, 9:25-35.) Bunney's Session Manager monitors whether a user has placed a do not disturb sign and communicates with the Notification Server, which uses the information to determine whether to send notifications to the user. (*Id.*, 4:38-47.)

3.   The Runyan Reference

Runyan describes improving security on NetWare networks. Runyan describes that one user can log in to a network from more than one workstation at the same time. As a security measure, Runyan suggests limiting the number of workstations from which one user may log in at the same time, using the same user identification.

4.   The Aravamudan Reference

Aravamudan describes a messaging solution that features a user-selected priority system. A user may create groups of buddies (e.g., other users) and define specific attributes that are associated with the buddies in each group. (Aravamudan, 2:33-35.) One of the attributes to be defined by the user is a user-selected priority system. In the exemplary embodiment described, the user may assign one of three priorities to each group of buddies: low, high, or highest. These priorities determine whether another user has access to the user's presence information and how the users will interact with each other. For example, buddies who are assigned a low priority will never be able to see whether a user is online or offline, and will always communicate with the user via a user

proxy. Buddies who are assigned a high priority will be able to see the user's online status anytime the user is online. Buddies who are assigned the highest priority can interface with the user directly when the user is online and via user proxy when the user is offline. (*Id.*, 2:35-49.)

5.   The Munday Reference

Munday describes a communications system for automatically diverting calls from a local telephone to a remote telephone when a user is not in the vicinity of the local telephone. For example, a local telephone may be located in a user's office or other working area, in proximity to a user's computer system. When a user has not interacted with his computer system for a predetermined period of time, the computer system infers that the user is absent from his working area and diverts calls from the local telephone to the remote telephone. (Munday, abstract; 1:27-35; 2:37-44.)

D.   Obviousness Rejections

1.   Legal Standards for Obviousness

All of the claims stand rejected under 35 U.S.C. § 103(a), which provides:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

To properly reject claims as obvious, "the examiner bears the initial burden of presenting a *prima facie* case of obviousness." *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d (BNA) 1955, 1956 (Fed. Cir. 1993). To present a *prima facie* case of obviousness, the Examiner must show that "there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue." *KSR Int'l Co. v. Teleflex Inc.*, No. 04-1350,

slip op. at 14 (U.S. Apr. 30, 2007). Relevant considerations may include "interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art." *Id.* The Examiner's analysis "should be made explicit." *Id.* "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal standard of obviousness." *Id.* (citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Under these standards, applicant's invention would not have been obvious. The Examiner has not identified references that disclose or suggest all the elements of the pending claims. Furthermore, the combination of references cited by the Examiner would not operate in the manner the Examiner suggests. Therefore, applicant respectfully requests that the rejections under 35 U.S.C. § 103(a) be withdrawn.

2.   Discussion of Issues

In rejecting the pending claims, the Examiner has mapped the elements of the prior art to applicant's claim elements in inconsistent and contradictory ways. For example, the Examiner argues that Bunney's address with which the user is logged in corresponds to applicant's "master status." (Office Action, Dec. 13, 2007, p. 4.) However, the Examiner also argues that Bunney's providing a user's status (e.g., available, away, or busy) to other users corresponds to applicant's "reflecting" the master status. (*Id.*) It is contradictory for the Examiner to take the position that Bunney's address corresponds to applicant's master status and then to take the position that Bunney's user status corresponds to applicant's master status. As another example, applicant's master status is determined by evaluating "a first status update, a first view status, and a second view status." The Examiner, however, points to Bunney's address as corresponding to applicant's "first view status." (*Id.*, p. 3.) Thus, the Examiner argues that Bunney's address corresponds to both applicant's master status and first view status. Because applicant's master status is

determined by evaluating the first view status in addition to other factors, as stated above, the Examiner's suggestion that applicant's master status is the same as applicant's first view status is inconsistent. Because of the inconsistent positions taken by the Examiner, it is difficult for applicant to respond to the Examiner's arguments in as straightforward a manner as applicant would like. Applicant has attempted to respond to each of the Examiner's contradictory arguments.

> a. Bunney fails to teach or suggest determining a master status in accordance with an evaluation of a status update and each client view status.

All of the claims recite determining a master status in accordance with an evaluation of a status update and each client view status. For example, claim 1 recites:

> in response to receiving the first status update, the server evaluating at least the first status update, the first view status, and the second view status according to specified status rules to determine the master status of the electronic messaging user ...

In other words, the server receives a status update when one of the user's client computer systems detects a change in the status of the electronic messaging user, e.g., a change from away to busy. (Specification, 14:1-2.) The server evaluates the status update and the statuses of all other client computer systems, which are obtained from each client view status maintained by the server. The server uses specified rules to reconcile differing statuses and determine the master status.

Bunney does not describe any element that corresponds to applicant's "master status." Applicant's master status of an electronic messaging user is determined by "evaluating at least the first status update, the first view status, and the second view status," as described above. The Examiner points to Bunney at 9:1-20 as disclosing a master status, explaining that "Bunney discloses the server checking a table to see which address to send a notification to." (Office Action, Dec. 13, 2007, p. 4.) It is apparently the Examiner's position that Bunney's "address to send a notification to" (i.e., the address with

which a user has logged in) corresponds to applicant's "master status." However, these concepts are distinct. Applicant's master status is not an address; rather, it is an overall status (e.g., online, offline, away, busy, invisible) that is formed by evaluating the status update and the client view statuses according to specified rules. In contrast, the address through which the user has logged on in Bunney is not determined by evaluating a status update or client view statuses, nor is it determined according to specified status rules.

Further, the Examiner believes that Bunney's logged on address corresponds to applicant's "first view status," in addition to corresponding to applicant's master status, as described above. When discussing applicant's claim language "maintaining at the server a first view status," the Examiner states that "Bunney discloses an address a user has logged in with on a certain terminal." (*Id.*, p. 3.) Applicant's first view status and master status are two different statuses. The master status is determined by "evaluating at least the first status update, the first view status, and the second view status." Clearly, applicant's first view status and master status are distinct. The Examiner has pointed to a single address as corresponding to both statuses, without explaining how a single address can correspond to both statuses.

Even if Bunney disclosed a master status, Bunney does not disclose determining a master status in accordance with an evaluation of a status change and each client view status. Bunney's Session Manager does maintain information about the status of a user, which may include available, away, invisible, or busy. (Bunney, 7:5-9.) Except when a user's status is invisible, the status is displayed to other network users. However, even if Bunney allowed a user to be logged in to two or more clients at the same time, Bunney offers no teaching that it would attempt to evaluate a status change and each client view status to determine a master status. Bunney offers no guidance to remedy a situation, for example, where a user is "busy" on one client and "available" on another.

The Examiner does not rely on Runyan for curing this deficiency of Bunney. Indeed, Runyan cannot cure this deficiency, as it neither teaches nor suggests determining a master status for a user.

          b.   <u>The Examiner's suggestion to modify Bunney with Runyan's suggestion that a user may be logged on to several clients would obviate the need for Bunney's solution, which the Examiner relies upon in rejecting the claims.</u>

All of the claims recite that an electronic messaging user is logged on to at least two clients at the same time. For example, claim 1 recites:

> the electronic messaging user ... who is logged on via both the first client computer system and the second client computer system as an electronic messaging user.

For example, a user may be logged on to an instant messaging environment through both a desktop computer and a personal digital assistant. Applicant's claims are directed to maintaining a master status for the user even though the status of the user (e.g., online, offline, away, busy) may differ on the desktop computer and the personal digital assistant.

The Examiner acknowledges that Bunney fails to teach the limitation of an electronic messaging user logged on to at least two clients at the same time. The Examiner points to Runyan to cure this deficiency. (Office Action, Dec. 13, 2007, p. 5.) Runyan describes that a user may be logged in to a NetWare network, or a network operating system, from one or more different workstations. It would, however, be contradictory to combine Bunney's technique that solves a problem that occurs when a user is logged in on one address with Runyan's technique that allows a user to log in at several workstations. Bunney is designed to address a problem that occurs when a user has several addresses, the user is logged in to a network under only <u>one</u> address, and a message is sent to another of the user's addresses. Bunney describes the problem it intends to solve as follows:

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when the user has logged in with <u>one</u> of said several addresses, <u>and the other addresses</u> assigned to the same user <u>are not in a logged-in state</u>, no message or notification from a server or another user terminal can be forwarded to the user, when the notification or message is addressed to one of the addresses which are in a non-logged-in state.

(Bunney, 1:24-30, emphasis added.) In explaining its solution to this problem, Bunney describes a user logged in to a network with one of the user's several addresses. A server or another user sends a message to a second of the user's addresses, i.e., one of the user's addresses that is in a non-logged in state. The server consults its table of assignment information to determine whether the user associated with the second address is logged in to the network through another address. If so, the server will notify the user through the user's logged in address that a message has been sent to the user's second, non-logged in address. (*Id.*, 1:60-67.) Further, Bunney emphasizes that its' Session Manager "allows a user to log into the system <u>once</u> ..." (*Id.*, 4:35-36, emphasis added.)

It is the Examiner's position that one would be motivated to combine Bunney and Runyan to have an electronic messaging user logged on to at least two clients at the same time "because it allows the user to be logged onto multiple devices and it allows other users to find them based on their state." (Office Action, Dec. 13, 2007, p. 5.) Combining Bunney and Runyan to allow a user to be logged on to multiple devices using different addresses would, however, entirely avoid the problem Bunney attempts to solve. If a user were logged on to a device for each of his different addresses, and a message were sent to any of the user's addresses, the user would receive the message. There would be no need for Bunney's solution, i.e., providing notification to the user that a message has been received at one of the user's addresses that is not in a logged on state. The Examiner's suggestion is thus not a suggestion to modify Bunney, but rather a suggestion to entirely avoid the problem Bunney attempts to solve by requiring the user to log on through multiple addresses.

Furthermore, the Examiner's rejection relies upon both Bunney's solution and Runyan's multiple log on in rejecting the claims. For example, the Examiner relies upon

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Bunney's solution of "checking the table to see which address to send a notification to." (*Id.*, p. 4.) Such checking of a table would not be needed, however, if Bunney was modified to allow a user to log on to multiple addresses as suggested by Runyan. Thus, the Examiner is applying the suggested combination in contradictory ways.

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c.   <u>Bunney fails to teach or suggest reflecting the master status of the user to other electronic messaging users.</u>

</div>

Many of the claims recite reflecting the master status of the user to other electronic messaging users. For example, claim 1 recites:

> reflecting an indication of the master status for the electronic messaging user identified by the user identification to other electronic messaging users.

One of the benefits of an electronic messaging environment is that a user's status is reflected, e.g., displayed, to other users. When the user is logged on through two or more clients, applicant's technology reflects a user's master status to other users in the environment, rather than reflecting the status information of the client or clients separately.

Even if Bunney were to create a master status, it does not disclose reflecting such a status to other users. The portions of Bunney cited by the Examiner do not teach or suggest reflecting the master status of the user to other electronic messaging users. (Bunney, 7:5-30; 9:25-35.) The first cited portion of Bunney describes that the Session Manager maintains information about the user's status, which may be available, away, invisible, or busy. (*Id.*, 7:5-30.) This status information is provided to other users. However, the information maintained by Bunney's Session Manager and reflected to other users is simply the status of <u>one</u> of the user's clients; it is not a master status, determined by evaluating the status of each of the user's two or more clients.

In addition, the Examiner previously indicated that applicant's master status was equivalent to Bunney's logged in address, as described above. It is inconsistent for the Examiner to now indicate that the master status reflected to other users is in the form of

status information (e.g., available, away, or busy). Further, even if applicant's master status were equivalent to Bunney's logged in address, Bunney's logged in address is never reflected to other users. Accordingly, Bunney fails to teach or suggest reflecting the logged in address of the user, which the Examiner believes corresponds to applicant's master status, to other electronic messaging users.

The second portion of Bunney cited by the Examiner describes a "do not disturb sign" that may be used by the user. (Bunney, 9:25-35.) A user logged in through one address may associate a do not disturb sign with one or more of the user's other addresses. For example, a user logged in with the address "George@compu.xxx.com" can place a do not disturb sign that indicates that the user does not want to receive any message or notification addressed to the user's other address "Superman@sport.xxx.com." A do not disturb sign is not status information (e.g., available, away, or busy); instead, it is a separate signal used to communicate with the server. The presence of a do not disturb sign is monitored by the Session Manager and is communicated to the Notification Server, which uses the information to determine whether to send notifications to the user. (*Id.*, 4:38-47.) The do not disturb sign is not reflected to other users; other users only have access to the status of the user, such as available, away, or busy. Further, the do not disturb sign is not equivalent to applicant's master status. Even if Bunney were to permit an electronic messaging user to be logged on to two or more clients at the same time, Bunney offers no teaching about how a do not disturb sign on one of the user's clients (i.e., non-status information) would be reconciled with status information presented by another of the user's clients. Indeed, it would be incongruous to attempt to reconcile these two diverse concepts.

The Examiner does not rely on Runyan for curing this deficiency of Bunney. Indeed, Runyan cannot cure this deficiency, as it neither teaches nor suggests reflecting a master status for a user to other electronic messaging users.

       d.   <u>Bunney, Runyan, and Aravamudan fail to teach or</u>
                   <u>suggest updating the master status according to a</u>
                   <u>detailed priority system.</u>

Several of the claims recite updating the master status according to a detailed priority system. For example, claim 15 recites:

> ... changing the presence information according to a priority system further comprises at least one of:
>
> > changing the presence information to offline if the status update indicates the electronic messaging user is invisible;
> >
> > ...
> >
> > changing the presence information to offline if the status update indicates the electronic messaging user is offline and the remaining view statuses indicate the electronic messaging user is offline;
> >
> > changing the presence information to idle if the status update [indicates] the electronic messaging user is idle and the remaining view statuses indicate the electronic messaging user is idle or offline; and
> >
> > changing the presence information to match the status update.

Each of these rules for changing the master status is a specific example of updating the master status by evaluating "a first status update, a first view status, and a second view status." For example, the first rule applies where the first status update, and thus the first view status, is invisible; the second view status may be any status. When the first status update is invisible, it indicates that the user does not want to be seen by other users. Thus, according to the first rule, the master status will be changed to offline.

It is the Examiner's position that Bunney discloses the first of these priority rules. The Examiner points to Bunney at 7:10-15 as disclosing this priority rule, explaining that "Bunney discloses the use of being invisible to others." (Office Action, Dec. 13, 2007, p. 15.) While the cited portion of Bunney does describe that a user may have a status of invisible, Bunney does not disclose changing the master status to offline if the first status update indicates the user is invisible. Bunney does not create or maintain a master status,

nor does it receive a status update. Bunney's invisible status merely prevents a user from being visible to other users' searches and from receiving other users' notifications. According to Bunney, if a user is invisible, other users will not know anything about the user, not even that the user is online. The first priority rule is not disclosed by Bunney.

It is the Examiner's position that Aravamudan discloses the fourth and fifth of these priority rules. The Examiner points to Aravamudan's abstract as teaching "the use of instant messaging in conjunction with access to data and communication network channels and modes" and to Aravamudan at 9:45-67 and 10:1-51 as teaching "the use of the proxy always appearing to the buddy and real presence being advertised to other[s] who have identified the user as a buddy." (*Id.*, p. 16.) The Examiner believes that one would be motivated to modify Bunney and Runyan in view of Aravamudan "because it would result in the most accurate presence for a user." (*Id.*) However, rather than a priority system executed by the server as in applicant's technology, Aravamudan describes a priority system that is selected by the user. The user may assign a priority to each buddy or group of buddies. In the exemplary embodiment described, the user may select among low, high, and highest priorities. These priorities determine to what status information other users have access and how other users may communicate with the user. Also unlike applicant's technology, Aravamudan's priority system does not reconcile differing user statuses associated with two or more clients. Instead, priorities are assigned to other users by the user, and such priorities do not relate to the other user's status (e.g., available, away, busy). Instead, the priorities determine how another user may interact with the user who assigned the priority. Unlike applicant's technology, Aravamudan does not teach or suggest a priority system executed by a server and, in particular, does not teach or suggest the particular priority rules as claimed.

e. Munday fails to teach or suggest when one client
    indicates that the user is busy and another client
    indicates that the user is idle, setting the master status
    to indicate that the user is busy.

Claim 30 recites "when the client presence status reported by one client indicates that the user is busy and by another client indicates that the user idle, setting the master presence status to indicate that the user is busy." That is, a user who is busy on one client but idle on another client will still be accurately reflected as busy.

The Examiner acknowledges that Bunney and Runyan fail to teach this limitation. The Examiner points to Munday to cure this deficiency. (Office Action, Dec. 13, 2007, p. 17-18.) It is the Examiner's position that Munday's abstract teaches "a communications system automatically diverting calls when a user is not present," and that Munday at 4:51-67 and 5:1-18 teaches "the use of keeping the main status when a computer is determined idle." (*Id.*, p. 18.) These portions of Munday describe a process for determining whether a user interaction with the computer system has occurred. If no user interaction has occurred within a predetermined period of time, a call divert process is initiated, diverting calls from a local telephone to a remote telephone. After the call divert process has been initiated, once the user interacts with the computer system again, call divert is removed. It is unclear what the Examiner is referring to by "the main status," and thus "keeping the main status when a computer is determined idle." (*Id.*) Indeed, it appears that Munday's "main status" is receiving calls at a local telephone as usual. This "main status" occurs when a user is interacting with the computer, not "when [the] computer is determined idle" as the Examiner has indicated.

Moreover, Munday does not disclose or suggest "one client indicates that the user is busy and another client indicates that the user is idle." Munday discloses only one "client" – the user's computer system. When the user is interacting with the computer system, calls are received at the user's local telephone. When the user is not interacting with the computer system (i.e., the computer system is idle), calls are diverted to the user's

remote telephone. Munday offers no suggestion that "one client indicates that the user is busy and another client indicates that the user is idle" as recited.

Furthermore, applicant can find nothing in Munday that discloses or suggests "a master status." As described above, applicant's master status is generated to represent the accurate overall status of a user who is online via multiple clients at the same time. Munday describes only one client – the user's computer system – with which the user may interact. Munday offers no suggestion that it evaluates a user's status on each of two or more clients to determine a master status. Moreover, Munday fails to disclose or suggest the particular condition for setting a master status to busy as recited by this claim, that is "when the client presence status reported by one client indicates that the user is busy and by another client indicates that the user idle."

> f.   Aravamudan fails to teach or suggest when all but one client indicates that the client is offline, setting the master status to the status of the client that is currently online.

Claim 31 recites "when the client presence status reported by all but one client indicates that the client is offline, setting the master presence status to the client presence status of the client through which the user is currently online." That is, a user who is online through only one client will be accurately reflected by the status associated with that client.

The Examiner acknowledges that Bunney and Runyan fail to teach this limitation. The Examiner points to Aravamudan to cure this deficiency. (Office Action, Dec. 13, 2007, p. 18.) It is the Examiner's position that Aravamudan at 9:45-67 and 10:1-51 "teaches the use of the proxy always appearing available to the buddy and real presence being advertised to other[s] who have identified the user as a buddy." As described above, Aravamudan's user may assign a priority – such as low, high, or highest – to each buddy or group of buddies. The cited portions of Aravamudan describe that buddies assigned a low priority will always see a proxy associated with a user, but will not be able to discern the "real presence" of the user. Buddies that are assigned a high or highest priority will be

able to see the "real presence" of the user. However, Aravamudan offers no suggestion that its user may have a different "presence status" associated with each of multiple clients. Nor does Aravamudan disclose or suggest reconciling such different presence statuses to determine the "real presence" of the user. Moreover, Aravamudan fails to disclose or suggest the particular condition for setting the master presence status to the client presence status of the client through which the user is currently online as recited by this claim, that is "when the client presence status reported by all but one client indicates that the client is offline."

3. Response to the Section 103(a) Rejection of Claims 1-4, 6-8, 10-14, 16-22, 24-27, 29, and 32 Over Bunney and Runyan

Claims 1-4, 6-8, 10-14, 16-22, 24-27, 29, and 32 were rejected under 35 U.S.C. § 103(a) over Bunney and Runyan. For the reasons described below, the Examiner has failed to establish that these claims are obvious over Bunney and Runyan.

a. Claims 1-4 and 6-8

Claims 1-4 and 6-8 recite "the electronic messaging user ... who is logged on via both the first client computer system and the second client computer system as an electronic messaging user." As discussed above in section 2.b, one would not be motivated to combine Runyan's suggestion that a user may be logged on to several clients with Bunney's system that allows a user to be logged on to only one address.

These claims also recite "in response to receiving the first status update, the server evaluating at least the first status update, the first view status, and the second view status according to specified status rules to determine the master status of the electronic messaging user ...." As discussed above in section 2.a, neither Bunney nor Runyan teaches or suggests this feature.

These claims also recite "reflecting an indication of the master status for the electronic messaging user ... to other electronic messaging users." As discussed above in section 2.c, neither Bunney nor Runyan teaches or suggests this feature.

b.   Claims 10-14 and 17-18

Claims 10-14 and 17-18 recite "the electronic messaging user being logged on as an electronic messaging user ... through at least two clients at the same time." As discussed above in section 2.b, one would not be motivated to combine Runyan's suggestion that a user may be logged on to several clients with Bunney's system that allows a user to be logged on to only one address.

These claims also recite:

consolidating at the server the presence information for the electronic messaging user ... based on an evaluation of each view status such that the consolidated presence information is representative of a current status of the electronic messaging user even if some view statuses differ, wherein the consolidated presence information is maintained in a master view;

receiving at the server a status update from one of the one or more clients; and

updating in the master view at the server the consolidated presence information for the electronic messaging user ... based on an evaluation of the status update and each view status.

As discussed above in section 2.a, neither Bunney nor Runyan teaches or suggests this feature.

c.   Claim 16

Claim 16, which depends from claim 10, is patentable over Bunney and Runyan for the same reasons as claim 10. Claim 16 further recites "reflecting the updated presence information in the master view to the subscribers." As discussed above in section 2.c, neither Bunney nor Runyan teaches or suggests this feature.

d.   Claims 19-22 and 24-26

Claims 19-22 and 24-26 recite "the user being logged onto at least two clients at the same time to receive electronic messages." As discussed above in section 2.b, one would not be motivated to combine Runyan's suggestion that a user may be logged on to several clients with Bunney's system that allows a user to be logged on to only one address.

These claims also recite:

setting at the server the master status based on an evaluation of each client view status; and

for each subsequent status change received from one of the multiple clients at the server, updating the master status in accordance with an evaluation of the subsequent status change and each client view status.

As discussed above in section 2.a, neither Bunney nor Runyan teaches or suggests this feature.

These claims also recite "the presence information reflected to the subscribers corresponds to the master status." As discussed above in section 2.c, neither Bunney nor Runyan teaches or suggests this feature.

e.   Claim 27

Claim 27 recites "the user being logged onto at least two clients at the same time to receive electronic messages." As discussed above in section 2.b, one would not be motivated to combine Runyan's suggestion that a user may be logged on to several clients with Bunney's system that allows a user to be logged on to only one address.

This claim also recites:

consolidate at the server presence information for the user based on an evaluation of each view status such that the consolidated presence information is representative of a current status of the user;

receive at the server a status update from one of the one or more clients;

update at the server the consolidated presence information for the user according to the status update.

As discussed above in section 2.a, neither Bunney nor Runyan teaches or suggests this feature.

This claim also recites "reflect at the server the updated consolidated presence information to the subscribers such that the appropriate presence information is provided to the subscribers even if some view statuses differ." As discussed above in section 2.c, neither Bunney nor Runyan teaches or suggests this feature.

f.   Claims 29 and 32

Claims 29 and 32 recite "a user who is online via multiple clients at the same time." As discussed above in section 2.b, one would not be motivated to combine Runyan's suggestion that a user may be logged on to several clients with Bunney's system that allows a user to be logged on to only one address.

These claims also recite "generating the master presence status representing a current presence status of the user based on the received client presence statuses reported by the multiple clients." As discussed above in section 2.a, neither Bunney nor Runyan teaches or suggests this feature.

4.   Response to the Section 103(a) Rejection of Claims 9, 15, 23, and 28 Over Bunney, Runyan, Aravamudan, and Munday

Claims 9, 15, 23, and 28 were rejected under 35 U.S.C. § 103(a) over Bunney, Runyan, Aravamudan, and Munday. For the reasons described below, the Examiner has failed to establish that these claims are obvious over Bunney, Runyan, Aravamudan, and Munday.

a.   Claim 9

Claim 9, which depends from claim 1, is patentable over Bunney and Runyan for the same reasons as claim 1. Claim 9 further recites updating the master status according to a detailed priority system. Claim 9 recites:

> ... changing the master status according to a priority system further comprises:
>> changing the master status to offline if the first status update indicates the electronic messaging user ... is invisible;
>>
>> refraining from changing the master status if the first status update indicates electronic messaging user ... is offline;
>>
>> refraining from changing the master status if the first status update indicates the electronic messaging user ... is idle;
>>
>> changing the master status to offline if the first status update indicates the electronic messaging user ... is offline and one or more remaining view statuses associated with the messaging client, including the second view status, indicate the electronic messaging user ... is offline; and
>>
>> changing the master status to idle if the first status update indicates the electronic messaging user ... is idle and one or more remaining view statuses associated with the messaging client, including the second view status, indicate the electronic messaging user ... is idle or offline.

As discussed above in section 2.d, Bunney, Runyan, Aravamudan, and Munday each fail to teach or suggest this feature.

b.   Claim 15

Claim 15, which depends from claim 14, is patentable over Bunney and Runyan for the same reasons as claim 14. Claim 15 further recites updating the master status according to a detailed priority system. Claim 15 recites:

> ... changing the presence information according to a priority system further comprises at least one of:
>> changing the presence information to offline if the status update indicates the electronic messaging user is invisible;

refraining from changing the presence information if the status update indicates the electronic messaging user is offline;

refraining from changing the presence information if the status update indicates the electronic messaging user is idle;

changing the presence information to offline if the status update indicates the electronic messaging user is offline and the remaining view statuses indicate the electronic messaging user is offline;

changing the presence information to idle if the status update [indicates] the electronic messaging user is idle and the remaining view statuses indicate the electronic messaging user is idle or offline; and

changing the presence information to match the status update.

As discussed above in section 2.d, Bunney, Runyan, Aravamudan, and Munday each fail to teach or suggest this feature.

       c.   <u>Claim 23</u>

Claim 23, which depends from claim 19, is patentable over Bunney and Runyan for the same reasons as claim 19. Claim 23 further recites updating the master status according to a detailed priority system. Claim 23 recites:

... changing the master status according to a priority system further comprises at least one of:

changing the master status to offline if the subsequent status update indicates the user is invisible;

refraining from changing the master status if the status update indicates the user is offline;

refraining from changing the master status if the subsequent status update indicates the user is idle;

changing the master status to offline if the subsequent status update indicates the user is offline and the remaining client view statuses indicate the user is offline;

changing the master status to idle if the subsequent status update indicates the user is idle and the remaining client view statuses indicate the user is idle or offline; and

changing the master status to match the subsequent status update.

As discussed above in section 2.d, Bunney, Runyan, Aravamudan, and Munday each fail to teach or suggest this feature.

d.   Claim 28

Claim 28, which depends from claim 27, is patentable over Bunney and Runyan for the same reasons as claim 27.   Claim 28 further recites updating the master status according to a detailed priority system.   Claim 28 recites:

> ... updating the presence information further comprises:
>
> > changing the presence information to offline if the status update indicates the user is invisible;
> >
> > refraining from changing the presence information if the status update indicates the user is offline;
> >
> > refraining from changing the presence information if the status update indicates the user is idle;
> >
> > changing the presence information to offline if the status update indicates the user is offline and the remaining view statuses indicate the status of the user is offline;
> >
> > changing the presence information to idle if the status update indicates the user is idle and the remaining view statuses indicate the user is idle or offline; and
> >
> > changing the presence information to match the status update.

As discussed above in section 2.d, Bunney, Runyan, Aravamudan, and Munday each fail to teach or suggest this feature.

5.   Response to the Section 103(a) Rejection of Claim 30 Over Bunney, Runyan, and Munday

Claim 30 was rejected under 35 U.S.C. § 103(a) over Bunney, Runyan, and Munday. For the reasons described below, the Examiner has failed to establish that this claim is obvious over Bunney, Runyan, and Munday.

a.   Claim 30

Claim 30, which depends from claim 29, is patentable over Bunney and Runyan for the same reasons as claim 29. Claim 30 further recites "when the client presence status reported by one client indicates that the user is busy and by another client indicates that the user idle, setting the master presence status to indicate that the user is busy." As discussed above in section 2.e, Bunney, Runyan, and Munday each fail to teach or suggest this feature.

> 6.   Response to the Section 103(a) Rejection of Claim 31 Over Bunney, Runyan, and Aravamudan

Claim 31 was rejected under 35 U.S.C. § 103(a) over Bunney, Runyan, and Aravamudan. For the reasons described below, the Examiner has failed to establish that this claim is obvious over Bunney, Runyan, and Aravamudan.

> a.   Claim 31

Claim 31, which depends from claim 29, is patentable over Bunney and Runyan for the same reasons as claim 29. Claim 31 further recites "when the client presence status reported by all but one client indicates that the client is offline, setting the master presence status to the client presence status of the client through which the user is currently online." As discussed above in section 2.f, Bunney, Runyan, and Aravamudan each fail to teach or suggest this feature.

Conclusion

Based on the above amendments and remarks, applicant respectfully requests reconsideration of this application and its early allowance. If the Examiner has any

questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8548.

Dated: March 17, 2008   Respectfully submitted,

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